IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2606 OF 2004

Deepak Purshottam Mehta .. Petitioner

vs.

The Colelctor & District Magistrate, Sangli & Ors. ..Respondents

Mr. Ashutosh M. Kulkarni, Advocate for the Petitioner.

Mr..M.Patane, Advocate for the Respondents.

CORAM : F.I.REBELLO & S.P.KUKDAY, JJ.

DATED : 9th February, 2005.

P.C. :

1. Rule. Heard forthwith.

2. It is the case of the petitioner that the currency notes in the sum of Rs.2,40,000/- were seized from him by the Respondents without any authority of law. The petitioner in the communication addressed to the Collector, dated

20.6.2003 had set out that the CID, Sangli during carrying on investigation in the matter of mis-appropriation of rice against Shri Badrinarayan Laddha in C.R.No.218 of 1999, Miraj had recovered a sum of Rs.2,40,000/- as being mis-appropriated property from the sale of the said rice by exerting pressure. Thereafter, an application moved before the Judicial Magistrate, Miraj for release of the said currency notes was rejected by the learned Magistrate by its order dated 3.5.2003 on the ground that the currency notes had been confiscated and credited to Government under section 6A of E.C.Act.

3. If that be so, the proper course for the petitioner is to prefer the appeal under Section 6A of the E.C.Act, 1955, or other provisions under which he is entitled. If there is no order under Section 6A, it is open to the petitioner to move the learned Magistrate for release of the said currency notes under the provisions of Cr.P.C.

. Petition is disposed of in terms of the order aforesaid.

. If the petitioner seeks any of the remedies aforesaid the same should be disposed of according to law on its own merits.

. P.A. to give authenticated copy of this order.

(F.I.Rebello, J.)

(S.P.Kukday, J.)